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WORKPLACE PRIVACY SURVEY

ALASKA FEATURED IN MAJOR PUBLIC OPINION POLL  
ON WHAT THE BOSS NEEDS TO KNOW ABOUT EMPLOYEES

WASHINGTON, D.C. ---- People in Alaska value their privacy, on the job and outside the workplace. The vast majority says that the boss has no business asking questions about the private lives, lifestyles, and off-work activities of job applicants and employees. Although most Alaskans believe employers should not ask these questions, many of those polled reported that an employer has done such things either to them or to someone they know.

Alaska was one of four states participating in the survey released today by the National Consumers League and the Older Persons Action Group in Anchorage.

The other states were Arizona, Utah, and Washington.

According to the Penn and Schoen Associates poll for the National Consumers League, Americans clearly believe:

- o Employers have no right to ask intrusive questions during job interviews.
- o It is inappropriate for employers to hire and fire an employee for personal matters unrelated to the job.
- o Employers have no right to try to change personal habits and lifestyles of employees.

Linda F. Golodner, executive director of the National Consumers League, said: "This poll confirms what we have found in many other states - that Americans believe they have a right to privacy on the job and off the job. It also shows that a significant number of employers are not respecting those rights."

In releasing the report, Vera Gazaway, executive director of the Older Persons Action Group, said: "The poll also reveals the vast majority of workers in Alaska are adamantly opposed to attempts by employers to force upon them a company-blessed lifestyle. Those 65 and over who were polled are in agreement with the rest of the state's population. As far as they are concerned, it's none of the boss's business who employees date, how much they eat, whether they smoke, take part in a political demonstration, hold a second job, drive a motorcycle, or have pending workers' compensation claims.

"As far as Alaska senior citizens and the general public are concerned, the ability to perform the job should be the sole criterion for winning and holding a job," she said.

#### I. NO RIGHT TO ASK

Overwhelmingly, those interviewed in Alaska said a prospective employer has no right to ask the following questions:

- o 88 percent, about an applicant's religion;
- o 87 percent, whether applicant lived with member of opposite sex;
- o 84 percent, if applicant had elderly parents;
- o 82 percent, whether applicant planned to have children;
- o 77 percent, if applicant smoked after work hours;
- o 59 percent, about hobbies and outside activities; and
- o 53 percent, about applicant's marital status.

#### II. NO JUSTIFICATION FOR HIRING OR FIRING

Those surveyed in Alaska were presented with nine examples of activities that employees may pursue on their own time away from work, their physical condition, and controversial opinions they may hold. Respondents were asked if they thought it was appropriate for the employer to base a decision to hire or fire on these criteria:

- o 98 percent said it was inappropriate for an employer to base hiring or firing on whether an individual dated a person of a different race.
- o 98 percent said whether an individual drives a motorcycle should not be a criterion.
- o 91 percent said participating in political demonstrations should not be a basis for hiring or firing.

- o 91 percent said it was inappropriate for employers to consider whether an employee participates in gambling at a racetrack.
- o 74 percent said holding an unusual second job should not be a consideration for employers.
- o 84 percent said being overweight should not be a consideration in hiring or firing an individual.
- o 95 percent said it was inappropriate to base hiring or firing on an individual's support for abortion.
- o 97 percent said it was inappropriate to base hiring or firing on an individual's opposition to abortion.
- o 94 percent said it was inappropriate to base hiring or firing on whether an individual smoked after work hours.

### III. NO RIGHT TO FORCE A CHANGE IN LIFESTYLE

The vast majority of Americans believe that employers have no right to force employees to change their lifestyles.

Here's the level at which survey respondents in Alaska opposed employer rights in the following categories:

- o 77 percent opposed employers monitoring personal telephone conversations.
- o 86 percent opposed a prohibition of employees dating rival firm employees.
- o 81 percent opposed an employer's refusal to hire an overweight person.
- o 78 percent opposed an employer's refusal to hire a smoker.
- o 92 percent opposed an employer's requirement that an employee or job applicant change his or her diet.
- o 85 percent opposed requiring an employee to quit smoking.
- o 68 percent opposed an employer requiring an employee to quit a second job.
- o 67 percent opposed employers performing a credit check on a prospective employee.

### IV. PERSONAL EXPERIENCE

The poll also asked Alaskans if they or anyone they knew had ever been asked any of the types of questions they objected to from employers. Sixty percent said they had been asked about their marital status;

- o 45 percent, about outside hobbies and activities;
- o 21 percent, about their religion;
- o 15 percent about whether or not they planned to have children;

- o 15 percent, about whether or not they smoked away from the workplace;
- o 7 percent, whether they had elderly parents; and
- o 6 percent, whether they lived with a non-family member of the opposite sex.

Seventeen percent reported personal experience with monitored personal telephone conversations;

- o 17 percent, credit checks on prospective employees;
- o 15 percent, required to quit a second job;
- o 13 percent, refused to hire an overweight person;
- o 10 percent, refused to hire a smoker;
- o 7 percent, required an employee or applicant to quit smoking;
- o 6 percent, forbid an employee or applicant from dating an employee from a rival firm; and
- o 4 percent, required an employee or applicant to change diet.

Nine percent of those polled indicated they or someone they knew had been denied a job or fired because of a weight problem;

- o 7 percent because of an unusual second job;
- o 7 percent because of participation in a political demonstration;
- o 3 percent for smoking away from the workplace;
- o 4 percent for dating a person of a different race;
- o 2 percent for driving a motorcycle;
- o 2 percent for gambling at a racetrack; and
- o 1 percent for supporting or opposing abortion.

The Penn and Schoen poll, conducted in December 1991 on behalf of the National Consumers League, was based on a random sample of 609 respondents in Alaska. The margin of error in the survey is +/- four percent.

The National Consumers League, founded in 1899, is a private, non-profit consumer advocacy organization concerned with workplace and marketplace issues.



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NBCSL GENERAL ASSEMBLY MEETING  
DECEMBER 6, 1991  
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## RESOLUTION ON EMPLOYEE PRIVACY

**WHEREAS:** It has come to the attention of the National Black Caucus of State Legislators that individuals have been fired from their jobs or disadvantaged in other employment and compensation decisions for smoking tobacco products in the privacy of their homes; and

**WHEREAS:** There is a growing trend in job classification notices published in daily newspapers to stipulate "smokers need not apply" and "nonsmokers only"; and

**WHEREAS:** Twenty-one state legislatures have enacted legislation protecting employee privacy; and

**WHEREAS:** The National Black Caucus of State Legislators believes in individual privacy; and

**WHEREAS:** The National Black Caucus of State Legislators believes that employment decisions should be based solely on an individual's job skills, training and performance

**THEREFORE BE IT RESOLVED:** The National Black Caucus of State Legislators supports legislation that would make it unlawful for employers to refuse to hire or to discharge any individual, or otherwise disadvantage any individual, with respect to compensation, terms, conditions or privileges of employment because the individual is a smoker or non-smoker; and

The National Black Caucus of State Legislators supports legislation that would make it unlawful for an employer to require as a condition of employment that any employee or applicant for employment abstain from smoking or using tobacco products during nonworking hours, provided the individual complies with applicable laws or policies regulating smoking on the premises of the employer during working hours.

**INDIVIDUAL PRIVACY  
AND EMPLOYMENT RIGHTS  
IN ALASKA**

**A Survey by  
Penn + Schoen Associates, Inc.  
Conducted for the National Consumers League  
January 2, 1992**

## EXECUTIVE SUMMARY

### Summary of Key Finding

Despite the fact that the vast majority of respondents in Alaska believe that employers do not have the right to ask questions about, make job decisions based on, or take actions that infringe upon an individual's right to privacy, up to two out of ten people -- and in some cases more -- report that an employer has done such things to either them or someone they know. This finding supports the notion that while most Alaskans believe in the right of privacy in employment, a significant number of employers are not fully respecting these rights.

### Purpose and Format of Study

The purpose of the study is to determine the attitudes and knowledge of the general public concerning individual rights of privacy in employment and measure the extent to which these rights have been limited by employers. Specifically, this survey seeks to assess how the public feels

senatorial district, the job title of the head of the household, and whether or not they were registered to vote.

## SUMMARY OF FINDINGS

### Section I: Questions Posed to Job Applicants

Generally speaking, 69% of Alaskan residents say prospective employers *should not* be allowed to ask questions about the private lives of job applicants. At the same time, two out of three (67%) people report that either they or someone they know has been asked such questions by a potential employer.

As for specific questions, a majority believe employers should not have the right to ask prospective employees about their living arrangements, religion, outside activities, marital status, plans for children, age of parents, or smoking behavior.

Residents of the Northwestern district, Hispanics, and women are all more likely to believe that employers should not have the right to ask these specific questions. On the other hand, people 65 and over,

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

**INDIVIDUAL PRIVACY  
AND EMPLOYMENT RIGHTS  
IN ALASKA**

**A Survey by  
Penn + Schoen Associates, Inc.  
Conducted for the National Consumers League  
January 2, 1992**

## INTRODUCTION

Interviews were held in December 1991 with 609 residents of Alaska for the purposes of determining citizens' attitudes toward privacy, their knowledge of employment rights, and the extent to which employers have acted to limit these rights. All respondents were 18 years of age or older. The survey was commissioned by the National Consumers League.

Interviewing was done by telephone from the central telephone facilities of Penn + Schoen Associates at the headquarters in New York City. The margin of error for the entire sample is +/- 4.0%, but is higher for sub-groups.

## EXECUTIVE SUMMARY

### Summary of Key Finding

Despite the fact that the vast majority of respondents in Alaska believe that employers do not have the right to ask questions about, make job decisions based on, or take actions that infringe upon an individual's right to privacy, up to two out of ten people -- and in some cases more -- report that an employer has done such things to either them or someone they know. This finding supports the notion that while most Alaskans believe in the right of privacy in employment, a significant number of employers are not fully respecting these rights.

### Purpose and Format of Study

The purpose of the study is to determine the attitudes and knowledge of the general public concerning individual rights of privacy in employment and measure the extent to which these rights have been limited by employers. Specifically, this survey seeks to assess how the public feels

about certain actions employers might take and questions employers might ask as determinants of prospective or continued employment.

The public was first asked a general question concerning individual privacy in employment. This was followed by three series of questions.

The first set (Section I) were questions prospective employers might ask a job applicant. The second set of questions (Section II) concerned things employees might do and asked whether or not it was appropriate to deny a job to or fire someone for doing these things. The last set of questions (Section III) asked whether or not employers have the right to take certain actions against employees. For each set of questions, people were first asked whether or not employers should have the right to ask these questions or behave in this manner, and secondly, if such a question has ever been asked or such an action has ever been taken against either the respondent personally or someone the respondent knows.

At the end of the questionnaire (Section IV), respondents were asked whether or not businesses in Alaska should be allowed to refuse to hire a person who has a worker compensation claim. In addition, they were asked whether or not they worked outside the home or if they smoked. They were also asked their age, political party affiliation, income, race,

senatorial district, the job title of the head of the household, and whether or not they were registered to vote.

## SUMMARY OF FINDINGS

### Section I: Questions Posed to Job Applicants

Generally speaking, 69% of Alaskan residents say prospective employers *should not* be allowed to ask questions about the private lives of job applicants. At the same time, two out of three (67%) people report that either they or someone they know has been asked such questions by a potential employer.

As for specific questions, a majority believe employers should not have the right to ask prospective employees about their living arrangements, religion, outside activities, marital status, plans for children, age of parents, or smoking behavior.

Residents of the Northwestern district, Hispanics, and women are all more likely to believe that employers should not have the right to ask these specific questions. On the other hand, people 65 and over,

executives, high-level professionals, former smokers, and men are more likely to think employers should have this right.

Occasional smokers, people aged 25 to 34, those earning between \$20,000 and \$31,000, African-Americans, and Hispanics are more likely to report that either they or someone they know has been asked some of these specific questions.

These findings are reported in detail in Section I, beginning on page nine.

## **Section II: Employee Behavior Outside of Work**

The public was then asked whether or not they thought it is appropriate for employers to deny a job to or fire someone for specific activities. At least 91% say it is inappropriate for employers to deny a job to someone or fire an employee for dating a person of a different race, driving a motorcycle, participating in political demonstrations, gambling at a racetrack, supporting or opposing abortion, or smoking away from the workplace. More than four out of five (84%) think it is not appropriate to deny a job to someone or fire an employee for being overweight, and 74% say it is inappropriate to deny a job or fire someone who holds an unusual second job.

At the same time, almost two out of ten people (19%) report that an employer has denied a job to or fired either them or someone they know for one of these reasons.

High-level professionals and semi/unskilled laborers are more likely to feel it is appropriate for employers to deny someone a job or fire them for some of these behaviors. Executives, high-level professionals, salespeople, former smokers, people aged 35 to 49, Republicans, Hispanics, and African-Americans are all more likely to report that either they or someone they know has been denied a job or fired for exhibiting one of these behaviors.

These findings are explained in detail in Section II, beginning on page seventeen.

### **Section III: Actions Taken by Employers**

People also were asked whether they believe employers have the right to take certain actions concerning an individual's privacy. At least three out of four (77%) say employers do not have the right to monitor personal telephone conversations, forbid an employee from dating someone from a rival firm, refuse to hire someone who is overweight or a smoker, or require an employee to quit smoking or change diets. More than two out of

three people (67%) say employers do not have the right to require an employee to quit a second job or to do a credit check on a prospective employee. People aged 50 to 64 are far more likely than any other subgroup to say that employers *do* have the right to take such actions.

In spite of these opinions, more than one out of three respondents (37%) reports that an employer has taken at least one of these actions against either the respondent or someone the respondent knows. Former smokers, Republicans, residents of the Central district, people aged 50 to 64, high-level professionals, salespeople, and Hispanics are all more likely to report these things occurring.

These findings are explored in detail in Section III, beginning on page twenty-two.

#### Section IV: Worker Compensation Claim

Nearly three out of four respondents (73%) oppose allowing businesses in Alaska to refuse to hire a person who has a worker compensation claim, while 17% favor allowing them to do so.

This finding is examined in Section IV, on page twenty-seven.

**Section I: Questions Posed to Job Applicants**

**"Should prospective employers be allowed to ask questions about the private lives of job applicants?"**

	<u>Should (%)</u>	<u>Should not (%)</u>	<u>Don't Know (%)</u>
<b><u>ALL</u></b>	23	69	8
<b><u>AGE</u></b>			
18-24	22	73	6
25-34	18	73	9
35-49	23	70	7
50-64	28	58	14
65 +	39	55	5
<b><u>PARTY</u></b>			
Democrat	15	79	6
Independent	20	72	8
Republican	33	57	10
<b><u>INCOME</u></b>			
< \$20,000	19	69	12
\$20-\$30,999	16	79	5
\$31-\$40,999	22	69	9
\$41-\$50,999	25	66	9
\$51,000 +	27	65	8
<b><u>OCCUPATION</u></b>			
High-level prof.	31	65	4
Mid-level prof.	18	71	11
Executive	35	61	4
Sales	20	75	5
Other white collar	15	81	4
Skilled labor	22	71	6
Semi/unskilled	14	69	17
Retired	31	62	7
<b><u>RACE</u></b>			
White	24	68	8
African-American	33	67	0
Hispanic	11	75	14

Respondents were asked whether prospective employers should be allowed to ask questions about the private lives of job applicants. More than two-thirds (69%) say they should not be allowed to probe the private lives of job applicants, while 23% say they should and 8% are undecided. At the same time, however, two-thirds of the people (67%) report that a potential employer has asked either them or someone they know one or more of these personal questions.

Those age 65 and over (39%), executives (35%), Republicans (33%), blacks (33%), retirees (31%), and high-level professionals (31%) are groups more likely to say employers should be allowed to ask about the private lives of job applicants.

Among those who are most likely to say employers should not be allowed to ask about job applicants' private lives are white collar workers other than professionals or salespeople (81%), Democrats (79%), those in the \$20,000-\$30,999 income bracket (79%), regular smokers (76%), Hispanics (75%), and salespeople (75%).

Those most likely to say that an employer has asked either them or someone they know at least one of these questions include occasional smokers (77%), blacks (74%), Hispanics (74%), those aged 25 to 34 (73%) and those earning between \$20,000 and \$31,000 (73%).

Respondents were read a series of questions prospective employers might ask a job applicant. For each, they were asked whether employers should or should not have the right to ask that question, and whether or not they or someone they know has ever been asked that question.

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**SHOULD PROSPECTIVE EMPLOYERS HAVE THE  
RIGHT TO ASK JOB APPLICANTS CERTAIN QUESTIONS  
ABOUT THEIR PRIVATE LIVES?**

All Respondents

Ranked by "Should Not"

All numbers expressed as percentages

	<u>Should</u>	<u>Should Not</u>	<u>Don't Know</u>
About applicants' religion	12	88	0
Live with member of opposite sex	13	87	0
If applicants have elderly parents	15	84	1
Whether they plan to have children	17	82	1
If they smoke after work hours	21	77	2
About hobbies and activities	38	59	3
About applicants' marital status	46	53	0

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"Has a potential employer ever asked you or someone you know...?"

	<u>Yes (%)</u>	<u>No (%)</u>
About your marital status	60	40
About your outside hobbies and activities	45	55
About your religion	21	79
Whether you plan to have children	15	85
If you smoke away from the workplace	15	85
Whether you have elderly parents	7	93
Whether you live with a non-family member of the opposite sex	6	94
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NONE OF THESE	33	67

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"Asking whether the job applicant lives with a non-family member of the opposite sex."

o Eighty-seven percent (87%) say employers should not have the right to ask this question and 13% say they should. Those over 65 (21%) are more likely to say that employers should have the right to ask this question, while blacks (94%), Hispanics (94%), people from the Northwestern district (94%), and those making between \$20,000 and \$31,000 (94%) are more likely to say that employers should not have the right to ask.

- o Six percent (6%) of respondents report that either they or someone they know has been asked this question. Hispanics (20%) and people in sales (15%) are more likely to say either they or someone they know has been asked this question.

**"Asking whether the job applicant has elderly parents."**

- o 84% say employers should not be allowed to ask this question; 15% say they should. Those age 65 and over (28%), retirees (26%), and blacks (26%) are more likely than other groups to believe employers have the right to ask this question, while Hispanics (100%) and people from the Northwestern district (93%) more often believe employers do not have the right.

- o Seven percent (7%) say either they or someone they know has been asked this question. Retirees (13%), those over 50 (11%), and salespeople (15%) are more likely to report this occurring.

**"Asking the job applicant about their religion."**

- o 88% say employers should not be allowed to ask job applicants this question. 12% say they should. Retirees (25%) and those age 65 and over (22%) are more likely to say they have the right to ask. African-Americans (25%) are more likely than whites (11%) to say employers have the right to ask about a job applicant's religion.

- o One out of five respondents (21%) say that either they or someone they know has been asked about their religion by a potential employer. This figure is generally consistent across all sub-groups.

**"Asking the job applicant about whether they plan to have children."**

- o More than four out of five people (82%) say employers should not be allowed to ask this question, while 17% say they should. Executives (32%), high-level professionals (26%), semi/unskilled workers (25%), and people 18-24 (24%) are more likely than others to think employers have the right to ask whether job applicants plan to have children, while retirees (91%) and those from the Northwestern district (89%) are more likely to feel they do not.

- o Almost one out of six respondents (15%) report that either they or someone they know has been asked whether they plan to have children. Executives (28%) and Hispanics (26%) are more likely to report this occurring.

**"Asking the job applicant if they smoke after work hours, at home, or otherwise away from the workplace."**

- o 77% say employers should not be allowed to ask job applicants this question, while 21% say they should. Executives (34%), high-level professionals (30%), and former smokers (28%) are more likely to say

employers have the right to ask if a job applicant smokes after work hours, while regular (91%) or occasional (87%) smokers, Hispanics (89%), and residents of the Northwestern district (89%) are more likely to believe that employers do not have this right.

o Almost one out of six respondents (15%) report that either they or someone they know has been asked if they smoke away from the workplace. Executives (22%), salespeople (22%), those earning between \$20,000 and \$31,000 (21%), and people aged 25-34 (20%) are more likely to say that either they or someone they know has been asked this question.

**"Asking the job applicant about their off-the-job hobbies and activities."**

o Almost three out of five (59%) say employers should not be allowed to ask this question; 38% say they should be allowed to ask it. Among the groups most likely to say employers should not be allowed to ask about hobbies and activities outside of the job are retirees (78%), residents of the Northwestern district, those over 65 (71%), mid-level professionals (69%), and Hispanics (66%). Conversely, those most likely to feel employers should be allowed to ask this question include executives (60%), Republicans (49%), high-level professionals (48%), those earning over \$51,000 (46%), and former smokers (45%). Men (44%) are more likely than women (32%) to believe that employers should be able to ask this question.

o Nearly half the respondents (45%) say that either they or someone they know has been asked about their off-the-job hobbies or activities by a potential employer. Executives (60%), high-level professionals (50%), and people aged 25-49 (51%) are most likely to report this occurring.

**"Asking the job applicants about their marital status."**

o While 53% say employers should not be allowed to ask about a job applicant's marital status, 46% say they should be allowed to ask about it. Residents of the Northwestern district (70%), semi/unskilled workers (65%), salespeople (63%), and other white collar workers (61%) are more likely to feel employers should not be allowed to ask about marital status.

Executives (60%), people aged 50 to 64 (58%), and residents of the Southeastern district (55%) are groups which tend to feel employers should be allowed to ask this question. A majority of men (52%) think employers should be able to ask this, but a majority of women (59%) think they should not.

o The majority of people (60%) say that either they or someone they know has been asked their marital status. This figure is generally consistent across all sub-groups.

In summary, only one out of three respondents (33%) said that neither they nor anyone they know has ever been asked any of the

preceding questions by an employer, while two out of three (67%) said the opposite. This occurred despite the fact that the majority of people indicate that employers *should not* have the right to ask such questions.

**Section II: Employee Behavior Outside of Work**

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**WHETHER IT IS APPROPRIATE FOR AN EMPLOYER  
TO DENY SOMEONE A JOB OR FIRE AN EMPLOYEE  
FOR DOING CERTAIN THINGS**

All Respondents

Ranked by "Not Appropriate"

All numbers expressed as percentages

	<u>Approp.</u>	<u>Not Approp.</u>	<u>Don't Know</u>
Dates a person of a different race	1	98	0
Drives a motorcycle	2	98	0
Opposes abortion	2	97	1
Supports abortion	4	95	1
Smokes after work hours	5	94	1
Gambles at a racetrack	7	91	2
Participates in political demonstrations	7	91	3
Is overweight	12	84	4
Holds an unusual second job	16	74	10

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**"Have you, or has someone you know, ever been denied a job or fired because they ...?"**

	<u>Yes (%)</u>	<u>No (%)</u>
Were overweight	9	91
Held an unusual second job	7	93
Participated in political demonstrations	7	93
Dated a person of a different race	4	96
Smoked away from the workplace	3	97
Drove a motorcycle	2	98
Gambled at a racetrack	2	98
Supported abortion	1	99
Opposed abortion	1	99
----- NONE OF THESE	81	19

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Respondents then were read a list of things employees might do. For each, they were asked whether or not they think it is appropriate to deny someone a job or fire a person because they behaved in this way, and whether or not they or someone they know has ever been denied a job or fired because of such behavior.

o Ninety-eight percent (98%) say it is inappropriate to deny a job to or fire someone because they are dating a person of a different race; only 1%

think it is appropriate. Four percent (4%) of people, however, report that either they or someone they know has been denied a job or fired for such a reason.

o Ninety-eight percent (98%) say it is inappropriate to deny a job to or fire someone who drives a motorcycle; only 2% think it is appropriate. One respondent out of fifty (2%) says that either he or someone he knows has been denied a job or fired because of this behavior.

o Ninety-one percent (91%) think it is inappropriate to deny a job to or fire someone for participating in political demonstrations, while 7% think it is appropriate. Executives (13%), semi/unskilled workers (13%), retirees (13%), and occasional smokers (13%) are more inclined to feel it is appropriate. One person out of fourteen (7%) reports that either they or someone they know has been denied a job or fired because they participated in a political demonstration. High-level professionals (13%) and people aged 35-49 (11%) are more likely to mention such an occurrence.

o Ninety-one percent (91%) say it is inappropriate to deny a job to or fire someone for gambling at a racetrack, while 7% say it is appropriate. Two percent (2%) of people say that either they or someone they know has been denied a job or fired because of this practice.

o While 74% say it is inappropriate to deny a job to or fire someone for holding an unusual second job, 16% think it is appropriate. Seven percent (7%) of respondents report that either they or someone they know has been denied a job or fired because they had an unusual second job. Executives (17%) and those earning between \$41,000 and \$51,000 (11%) are more likely to report such an occurrence.

o Eighty-four percent (84%) think it is inappropriate to deny a job to or fire someone who is overweight, while 12% say it is appropriate. Republicans (22%) and high-level professionals (22%) are more likely to believe it is appropriate. One person in eleven (9%) says that either he or she or someone he or she knows has been denied a job or fired because the person was overweight.

o Ninety-five percent (95%) think it is inappropriate to deny a job to or fire someone who supported abortion, while 4% say it is appropriate. Ninety-seven percent (97%) say it is inappropriate to deny a job to or fire someone who opposed abortion. Only 2% say it is appropriate. Only 1% of people say either they or someone they know has been denied a job or fired because of their views on abortion.

o Ninety-four percent (94%) think it is inappropriate to deny a job to or fire someone who smoked after work hours, at home, or otherwise away from the workplace, while 5% say it is appropriate. Former smokers (12%),

high-level professionals (10%), and semi/unskilled workers (10%) more often think it is appropriate. Three percent (3%) of respondents say that either they or someone they know has been denied a job or fired because they smoked away from the workplace.

In summary, almost one-fifth of people (19%) report that either they or someone they know has been denied a job or fired because of the behaviors outlined above. Executives (29%), high-level professionals (23%), salespeople (23%), former smokers (28%), people aged 35 to 49 (23%), Republicans (23%), Hispanics (42%), and African-Americans (24%) are all more likely to report that either they or someone they know has been denied a job or fired for exhibiting one of these behaviors. This occurred despite the fact that the vast majority of people think it is inappropriate to deny someone a job or fire a person because they behaved in any of these ways.

**Section III: Actions Taken by Employers**

---

**WHETHER EMPLOYERS HAVE THE  
RIGHT TO DO CERTAIN THINGS**

All Respondents

Ranked by "Don't Have Right" All numbers expressed as percentages

	<u>Have right</u>	<u>Don't Have Right</u>	<u>Don't Know</u>
Require employee to change diet	5	92	3
Forbid dating employee of rival firm	9	86	4
Require employee to quit smoking	12	85	3
Refuse to hire an overweight person	14	81	5
Refuse to hire a smoker	19	78	4
Monitor personal phone calls	20	77	3
Require employee to quit second job	24	68	8
<u>Check credit on prospective employee</u>	<u>29</u>	<u>67</u>	<u>4</u>

---

---

**"Has an employer ever done any of the following to you  
or to someone you know...?"**

	<u>Yes (%)</u>	<u>No (%)</u>
Monitor personal telephone conversations	17	83
Do a credit check on a prospective employee	17	83
Require employee or applicant to quit second job	15	85
Refuse to hire an overweight person	13	87
Refuse to hire a smoker	10	90
Require employee or applicant to quit smoking	7	93
Forbid employee or applicant from dating an employee from a rival firm	6	94
Require employee or applicant to change diet	4	96
----- NONE OF THESE	63	37

---

Respondents were read a list of actions employers might take. For each one, they were asked whether or not employers have the right to take such an action, and whether or not such an action has ever been taken against either the respondent or someone the respondent knows.

o Seventy-seven percent (77%) believe employers do not have the right to monitor personal telephone conversations, but one out of five (20%) say they do have the right. Hispanics (35%), those earning between \$41,000

and \$51,000 (31%). semi/unskilled workers (30%), and people aged 50 to 64 (29%) are more inclined than other groups to feel employers have the right to monitor personal telephone calls. One in six respondents (17%) report that an employer has monitored either their or someone they know's personal telephone conversations. High-level professionals (26%) are the most likely to indicate this.

- o Eighty-six percent (86%) say employers do not have the right to forbid an employee or job applicant from dating an employee from a rival firm, and 9% say they do have this right. People aged 50 to 64 (23%) are more likely than other groups to say employers have this right. Six percent (6%) of respondents report that an employer has forbidden either them or someone they know from dating an employee from rival firm.

- o Eighty-one percent (81%) say employers do not have the right to refuse to hire an overweight person; 14% say they do have the right. One out of eight respondents (13%) says that an employer has refused to hire either the respondent or someone he or she knows because that person was overweight.

- o Seventy-eight percent (78%) think employers do not have the right to refuse to hire a smoker, whereas 19% say they do have the right to refuse to hire a smoker. Among those more inclined to say employers have the right to refuse to hire a smoker are people aged 50 to 64 year (29%),

retirees (27%), and those earning over \$51,000 (27%). Ten percent (10%) of people say that an employer has refused to hire either them or someone they know because the person was a smoker. Former smokers (14%) are the most likely to report this occurring.

o Ninety-two percent (92%) say employers do not have the right to require an employee or job applicant to change his or her diet, while 5% think they do have the right. Four percent (4%) of people say that an employer has required either them or someone they know to change their diet.

o While 85% say employers do not have the right to require an employee or job applicant to quit smoking, 12% think they do have the right. Republicans (19%), 50-64 year olds (19%), high-level professionals, and former smokers (19%) are more likely than other groups to feel employers have the right to require an employee to quit smoking. One out of fourteen respondents (7%) reports that an employer has required either the respondent or someone the respondent knows to quit smoking. Former smokers (12%) are the most likely to report this happening.

o Although 68% think employers do not have the right to require an employee or job applicant to quit a second job almost one out of four Alaskans (24%) say they do have this right. High-level professionals (34%) and people aged 50 to 64 (32%) are most likely to feel employers have this right. Fifteen percent (15%) of people report that an employer has

required either them or someone they know to quit a second job.

Salespeople (27%), executives (24%), high-level professionals (22%), and people 35 to 49 (22%) are more likely to mention this occurring.

o Two out of three respondents (67%) say employers do not have the right to do a credit check on a prospective employee, but 29% say they do have the right. Executives (41%) and people over 50 (41%) are more likely to say employers have the right to do a credit check. One in six respondents (17%) reports that an employer has done a credit check on either the respondent or someone that the respondent knows.

In summary, more than one-third of all respondents (37%) indicate that at least one of the above situations has happened to either them or someone that they know. Former smokers (46%), Republicans (44%), residents of the Central district (43%), people aged 50 to 64 (41%), high-level professionals (41%), salespeople (41%), and Hispanics (63%) are all more likely to report these things occurring. This occurred despite the fact that *at least two-thirds* (67%) of the respondents say that employers do not have the right to take such actions.

**Section IV: Worker Compensation Claim**

Almost three out of four respondents (73%) oppose allowing businesses in Alaska to refuse to hire a person who has a worker compensation claim, while 17% favor allowing them to do so. Those earning under \$31,000 (86%) and regular smokers (84%) are most opposed to this proposal, while executives (35%) are most in favor.

**THE FOLLOWING PAGES MAY  
NOT FILM LEGIBLY BECAUSE OF  
THE POOR QUALITY OF THE ORIGINAL**

Gerald E. Grilly  
Publisher

Howard Weaver  
Editor

Michael Carey, Editorial Page Editor

Patrick Dougherty, Managing Editor

Katherine Fanning, Editor and Publisher 1971 to 1983

Lawrence Fanning, Editor and Publisher 1967 to 1971

Founded in 1946 by Norman C. Brown

## Nose out

*For once, the tobacco lobby is right*

American tobacco firms routinely bombard the public with transparently bogus or self-serving rhetoric.

Listening to the industry line, you'd think that there's still some doubt smoking causes cancer, that tobacco firms are disinterested guardians of the First Amendment and that smokers have made rational, fully informed decisions to take up their addictive and life-shortening habit.

But there is one instance where the tobacco industry has a legitimate point. The move by some firms to ban all smoking by all employees — not just at work, but off the job, too — is an illegitimate intrusion on workers' privacy.

Some 6,000 firms refuse to hire smokers, according to The New York Times. A case from Indiana drew national attention earlier this year when a woman was fired because a random drug test showed she'd been smoking cigarettes at home.

Smoking isn't the only unhealthy habit that gets workers in trouble with nosy employers. Best Lock Corporation of Indianapolis bars its workers from drinking alcohol — any time, anywhere. The city of Athens, Ga., even went so far as to reject job applicants with high cholesterol levels.

How do employers rationalize trying to run their workers' private lives? The best answer they can give is that bad habits like smoking or drinking can drive up their health insurance bills.

When that's the case, firms have good reason to charge those workers higher insurance premiums. But they don't have any grounds to tell employees how to live their lives outside of working hours.

In the workplace, only one question should matter: How well do workers do their jobs? As long as what employees do on their own time doesn't affect their job performance, it's none of their employers' business.

*newsclippings*

## SMOKERS HAVE RIGHTS—JUST ASK THE TOBACCO COMPANIES

Last spring, a Georgia State Senator introduced into committee a "smokers'-rights" bill outlawing discrimination against people who smoke off the job. In the ensuing week, the lieutenant governor's office got a flood of phone calls supporting the law. So many, in fact, that the phone system broke down.

A strong grass-roots response from the good folk of Georgia? Yes, to some extent. But these complaining constituents got a little help from Philip Morris Cos. When Georgia residents called a toll-free hotline, they heard a recorded message lambasting the lieutenant governor—who was against the bill—for interfering with smokers' rights.

PRAIRIE FIRE? The recording then encouraged callers to "stay on the line—we can connect you to his office right now, toll-free." Hence, the flood of calls. A Philip Morris spokesperson says: "We want to make it easier for consumers to voice their concerns."

The Georgia bill was ultimately withdrawn. But 20 other states have passed similar legislation. Antismoking and health groups warn, however, that these laws are not some "prairie wildfire among state legislators," as Walker P. Merryman, vice-president of the Tobacco Institute, describes them. Rather, they represent a campaign by the deep-pocketed tobacco companies

to counter the antismoking movement. Replies Tobacco Institute spokesman Thomas Lauria: "These bills are put through by the ACLU and the AFL-CIO. The tobacco companies simply help smokers'-rights groups that have already formed."

Early this year, a bill that would prohibit companies from refusing to hire smokers or firing people who smoke

law without his signature in July.

The tobacco companies also target big businesses opposed to smokers'-rights bills. Last year, the New York State Legislature passed a broadly worded law that would have prohibited companies from forbidding any legal activity off the job. IBM, Eastman Kodak Co., and other businesses wrote strong letters against the bill, arguing that it would let employees ignore corporate conflict-of-interest policies. Governor Mario M. Cuomo vetoed it.

Now, another version is about to be presented to Cuomo. This time, however, there is no outcry from IBM and Kodak. The reason: Tobacco companies are big buyers of IBM computers and materials for cigarette filters made by Kodak. Rather than risk their accounts, the companies have withdrawn from the debate, say state government officials and sources close to the companies. Neither Kodak nor IBM will comment

on their change of heart, saying only they take no position on the bill.

Surveys show that employees are concerned about employers' legislating their lifestyles. Aware of this, says Joseph Marx of the American Cancer Society: "The tobacco companies are trying to elevate smoking to a civil right"—and taking care of business at the same time.

By Walecia Konrad in Atlanta



was introduced in the state legislature of New Jersey. The tobacco industry hired lobbyists to get lawmakers to vote for the bill. Philip Morris also blanketed the state with support-the-bill letters. R. J. Reynolds Tobacco Co. joined in, using videotapes, sample petitions, and slide shows to help smokers start activist groups. Ultimately, the measure passed the legislature, and the governor allowed it to become

# [Tell us what you think]



## Does a company have the right to control your life-style?

**BONNIE COOK** WAS A hospital attendant in Rhode Island with an excellent job record. When she tried to get a job at a hospital where she had previously worked, however, she found the door closed. Because Cook weighed 315 pounds, her former employers believed that their worker's compensation costs might rise if they rehired her. "If you lose weight, you'll be considered," she was told. After trying and failing to drop below 300 pounds, Cook filed suit, now pending in federal court.

Cook's supporters see her as the target of a dangerous trend—the desire of companies to control employees' behavior both on and off the job, through hiring and employment practices. "This is an example of Big Brother at work," says Steven Brown, the executive director of the Rhode Island American Civil Liberties Union (ACLU), which is handling Cook's suit. "They are essentially telling Bonnie Cook that they can control her life simply because twenty or thirty years from now she might cost the state a little money."

With the aim of lowering skyrocketing

health costs or promoting a "healthier workplace," a number of companies have instituted policies to penalize certain workers. Turner Broadcasting System, for instance, simply won't hire smokers. The Best Lock Corporation in Indianapolis prohibits employees from drinking alcoholic beverages even during their off-hours. At U-Haul International, Inc., workers who smoke or are underweight or overweight pay about \$120 for annual health insurance. Some companies, according to the ACLU, even bar employees from high-risk activities such as riding motorcycles.

Such policies are increasingly under challenge: Twenty states have passed laws limiting the rights of companies to impose life-style requirements on workers. But Fred H. ... president of the Society of Professional Benefits Administrators, maintains that companies' policies are instituted for legitimate reasons. "An employee benefit plan should be viewed as a contract between employer and employee," he says. "If the employee is paying her own medical costs, then she can behave any way she wants. If not, then she is taking something of value, and should be expected to behave respon-

sibly and help minimize costs."

At U-Haul, corporate executives feared they wouldn't be able to provide health care for any employees unless they took action to control health costs. The company's decision to make selected employees pay was a logical extension of standard policy in homeowners or auto insurance, says Public Information Manager Melora Foley. "If you have a smoke detector or fire extinguisher, you get a rebate. In our company, if you don't smoke or you're not overweight or underweight, you don't have to pay."

Opponents of such policies feel they set a dangerous precedent. "The premise of insurance is a pooled risk. Once you start pulling out groups, it undermines the purpose," says Sally E. Smith, executive director, National Association to Advance Fair Acceptance. "If today it's fat people and smokers, who will it be tomorrow?"

Adds John Rosenthal, an ACLU spokesperson: "Almost any personal choice can have health insurance implications. If employers balance their books by invading our lives, virtually every aspect of our personal lives will be subjected to their control."

Tell us what you think.

1. Do employers have the right to make life-style demands (such as forbidding smoking) when workers are on the job?

Yes  No  I don't know

2. Do employers have the right to make life-style demands of workers during their off-hours?

Yes  No  I don't know

3. If you answered yes to number two, which demands do you think employers have the right to make?

- Staying within weight guidelines  
 No smoking at any time  
 No drinking at any time  
 No hazardous sports

4. Do employers have the right to use economic incentives to encourage healthy practices, such as charging overweight workers more for health insurance?

Yes  No  I don't know

5. Which of the following would you be willing to do in order to keep your current job? (Check as many as you want, even if you're not, say, a smoker.)

- Quit smoking  
 Lose or gain weight  
 Refrain from drinking any alcohol  
 Not participate in risky sports  
 None of the above

6. If your company wanted you to make one of those changes and you weren't willing, what would you do?

- Quit  
 Ignore the ruling and hope I wouldn't get caught  
 Lodge a formal protest  
 I don't know

Please feel free to comment on any of these questions in the space provided. Make yourself heard. To ensure that your answers reach us in time, please mail them within the next two weeks to: "Tell Us What You Think," Glamour, 350 Madison Ave., New York, NY 10017. OR FAX IT! (212) 880-6922.

# [this is what you thought]

**OVER 90 PER-** cent of the respondents to our November survey think that company should not be allowed to prohibit its employees from engaging in certain types of behavior, such as drinking, smoking and playing risky sports, during their off-hours. Almost half of the respondents said that they would not change their behavior to keep their jobs. And 72 percent feel that employers don't have the right to charge "unhealthy" workers more for health insurance. For more results of the survey, read on.



## Do companies have the right to dictate off-hours behavior?

93 percent say no

### 1. DO EMPLOYERS HAVE THE RIGHT TO MAKE LIFE-STYLE DEMANDS (SUCH AS FORBIDDING SMOKING) WHEN WORKERS ARE ON THE JOB?

85% say yes

"I'm a sales rep for a computer company, and part of what we sell is an image. It's my company's right to make sure I project that image when I go out in the field."

33% say no

"Not allowing smoking in the office is one thing, but there should be designated areas for those of us who still wish to exercise our right to free choice!"

2% say they don't know

### 2. DO EMPLOYERS HAVE THE RIGHT TO MAKE LIFE-STYLE DEMANDS OF WORKERS DURING THEIR OFF-HOURS?

93% say no

"Unless my life-style negatively affects my ability to perform on the job, it's none of my company's business what I do."

"I work to support my life. I don't live to support work."

4% say yes

"A company has the right to demand legal and noncontroversial behavior from its employees."

3% say they don't know

### 3. IF YOU ANSWERED YES TO NUMBER TWO, WHICH DEMANDS DO YOU THINK EMPLOYERS

#### HAVE THE RIGHT TO MAKE?

#### 30% say staying within weight guidelines

"I've struggled with my weight and know I have more energy when I'm eating properly and exercising regularly. A healthier person makes a better worker."

#### 34% say no drinking at any time

"What people do during off-hours can affect the quality of their work. My co-worker's drinking problem has an impact on everyone in the office."

#### 16% say no smoking at any time

"If you smoke, you're going to get sick. With odds like that, all employers should demand their employees quit."

#### 3% say no hazardous sports

### 4. DO EMPLOYERS HAVE THE RIGHT TO USE ECONOMIC INCENTIVES TO ENCOURAGE HEALTHY PRACTICES, SUCH AS CHARGING OVERWEIGHT WORKERS MORE FOR HEALTH INSURANCE?

72% say no

"I suffer from an inactive thyroid gland and can't help that I'm a few pounds overweight. I watch my cholesterol and fat intake. Why should I have to pay extra for health insurance?"

18% say yes

"I'd rather my employer offer incentives to encourage healthy practices than not offer insurance benefits at all."

10% say they don't know

### 5. WHICH OF THE FOLLOWING WOULD YOU BE WILLING TO DO IN ORDER TO KEEP YOUR CURRENT JOB?

48% say none of the choices listed below

"I don't need my company telling me what's wrong with my personal habits."

"At my former company, the smoking and weight policy applied to employees and spouses. Who are they to tell us what we can and can't do in our own home?"

18% say refrain from drinking any alcohol

"I don't drink because of company policy. I haven't felt this good in years!"

15% say quit smoking

"I've been trying to stop smoking for months. If my employer gave me an ultimatum, it would be just the thing I need."

11% say not participate in risky sport

"I don't see why people feel the need to Bungee jump off bridges. Especially if it means higher insurance rates."

10% say lose or gain weight

"If my company wanted me to maintain a certain weight for better health, I'd do it. But if it was because of my looks, that would be discrimination."

### 6. IF YOUR COMPANY WANTED YOU TO MAKE ONE OF THOSE CHANGES AND YOU WEREN'T WILLING, WHAT WOULD YOU DO?

55% say lodge a formal protest

"It's a short hop from 'Don't smoke at home' to 'Who are you sleeping with?' to 'Don't have more than three kids.'"

16% say ignore the ruling and hope they don't get caught

"I'd like to think that I'd protest, but I really fear losing my job."

12% say quit

"I'd quit and move to Europe where, as far as I know, they're not as stuck on moralizing and controlling."

17% say they don't know

Please turn the page for this month's survey—How much do you want to know about politicians' private lives?

FISCAL NOTE

No. 1  
 Bill Version: SB 340  
 (S) Publish Date: 3-13-92

STATE OF ALASKA  
 1992 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: Prohibiting discrimination for use of legal products outside of work  
 Sponsor: Duncan  
 Requestor: S. Judiciary

Department Affected: Administration  
 BRU: Personnel/OEEO  
 Component: Personnel/OEEO

COMPONENT SERIAL NO. 

		5	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)  
 SB 340 will not require an additional appropriation for this division.

Changes in CS SB 340 (JUV) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.

3/12/92 ew  
 date Comte Aide (initial)

Prepared by: R. H. King, Director  
 Division: Personnel/OEEO

Phone: 465-4430  
 Date: 1/21/92

Approved by Commissioner: Nancy Bear Usara  
 Agency: Administration

Date: 1/21/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

Yo. 2

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO : Bill Version: SB 340

(S) Publish Date: 3-13-92

Revision Date: \_\_\_\_\_  
Title: "An Act prohibiting employers from discriminating against individuals..."  
Sponsor: Senators Duncan, Eliason, et.al.  
Requestor: Senate Judiciary

Department Affected: Labor  
BRU: Labor Standards & Safety  
Component: Wage & Hour  
COMPONENT SERIAL NO. 345

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Changes in CS SB 340 (JUD) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.

3/12/92 RC  
date Comte Aide (initial)

Prepared by: Randy Carr, Acting Director Phone: 264-2452  
Division: Labor Standards & Safety Date: 1/17/92

Approved by Commissioner: John Abshire, Acting Commissioner  
Agency: Department of Labor Date: 1/17/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

(7)  
Date Referred: March 25, 1992

HOUSE COMMITTEE REPORT  
FURTHER REFERRALS:

4-22-92  
Labor & Commerce  
Judiciary

Date of Committee Action: 4-22-92

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: CSSB 340(JUD)

CS FOR SENATE BILL NO. 340 (JUD) RIGHT TO USE LAWFUL PRODUCTS

"An Act prohibiting employers from discriminating against individuals who use legal products in a legal manner outside of work."

RECOMMENDATIONS:  
be replaced with HCS CSSB 340 (HES) [  the same title  
[ ] a new title

- [ ] have attached amendments(s)
- [  ] do pass
- [ ] do not pass
- [ ] no recommendations
- [ ] individual recommendations
- [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal impact \_\_\_\_\_ [ ] fiscal note(s) \_\_\_\_\_

[  ] zero fiscal note Admin [  ] zero fiscal note(s) Senate Labor 3/13/92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>Betty Davis</i>	<input checked="" type="checkbox"/>	<i>Pat M. Kelly</i>	<input checked="" type="checkbox"/>		
<i>J. C. Gonzalez</i>	<input checked="" type="checkbox"/>				
		<i>Cheri Davis</i>		<input checked="" type="checkbox"/>	
		<i>Mark Hanley</i>			<input checked="" type="checkbox"/>

*[Signature]*  
CD-CHAIRMAN'S SIGNATURE

S B

3 4 8

# STATE OF ALASKA

## DEPARTMENT OF CORRECTIONS

SOUTHCENTRAL REGION OFFICE

WALTER J. HICKEL, GOVERNOR

2200 EAST 42ND AVENUE  
ANCHORAGE, ALASKA 99508-5202  
PHONE: (907) 561-4426

# PERSONNEL

June 4, 1991

SEP 04 1991

Max Hodel, Chief of Staff  
Office of the Governor  
P.O. Box A  
Juneau, AK 99811

Dear Max:

This letter is to request that you ask Governor Hickel to temporarily (through June 30, 1992) authorize the Department of Corrections to employ medical doctors in an "exempt" service status (as opposed to a "classified" position). This request is being made in order to facilitate the transfer of the forensic team from the Department of Health and Social Services to the Department of Corrections. Commissioner Mala and I have agreed to a transfer effective July 1, 1991.

The forensic team was originally established in 1983, at which time Corrections was a division of the Health and Social Services. The team is composed of six mental health professionals, and includes two psychiatrist positions. The psychiatrist positions are "exempt" positions in the Department of Health and Social Services. By statute [AS 39.25.110 (13)] Health and Social Services is the only Department in the state which is allowed to hire medical doctors (including psychiatrists) in an "exempt" status. Thus we cannot effect the transfer of the forensic team without a change in the law. However, I have been advised by David Otto, Director of the Division of Personnel that the Governor has the authority [AS 39.25.110 (9)] to temporarily authorize "exempt" service classification for medical doctors. (If the Governor is agreeable, I will request that the administration sponsor legislation during the next session to permanently authorize the Department of Corrections to hire physicians in an exempt status.)

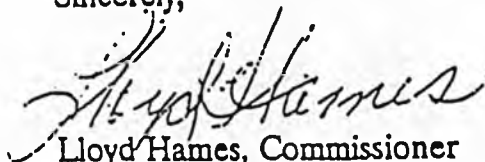
The Department of Corrections is responsible for the physical and mental health of over 2,500 inmates. Currently we directly employ one part time doctor in a "classified" position. All other medical doctors are contracted for. Your temporary approval, and the suggested legislation, which will allow hiring doctors in an exempt status, will greatly enhance my ability to manage the delivery of health care services in the Department, and will also solve my immediate problem of the forensic team transfer.

*Gov's Temporary Authorization*

Page Two

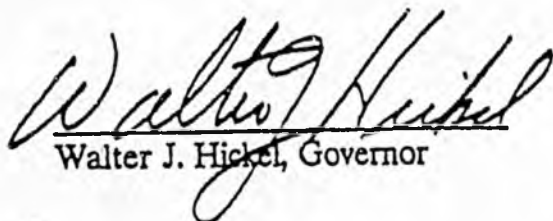
If the Governor approves my request, please have him sign below and return one copy of this letter to me.

Sincerely,



Lloyd Hames, Commissioner  
Department of Corrections

In accordance with the authority granted to me under Alaska Statute 39.25.110 (9), I hereby authorize the Department of Corrections to employ medical doctors in an exempt service classification for a temporary period commencing with the date of my signature and ending on June 30, 1992.

  
Walter J. Hickel, Governor

6-17-91  
Date

WALTER J. HICKEL  
GOVERNOR

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 13, 1992

348

*The Honorable Richard I. Eliason  
President of the Senate  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811*

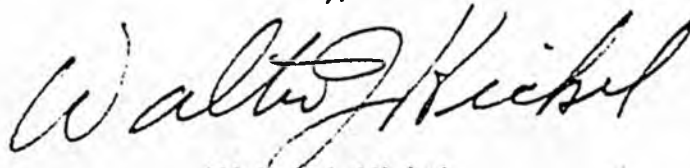
*Dear President Eliason:*

*Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill expanding the exempt service to include physicians hired by the Department of Corrections.*

*The bill will give the Department of Corrections the flexibility needed to attract and retain a well-qualified medical officer to oversee the provision of medical services to the more than 2,500 inmates under the responsibility of the department. It will also provide the department with greater ability to attract and retain qualified physicians to provide constitutionally and statutorily mandated medical services to inmates. If those medical services are not provided in a competent, professional manner, the state suffers the risk of significant financial exposure.*

*I urge your prompt passage of this bill.*

Sincerely,



Walter J. Hickel  
Governor

governor's transmittal letter

1992 Legislative Proposal Form

DEPARTMENT: Corrections

SUBJECT OF PROPOSED BILL: Amendment to AS 39.25.110 (13) to add Department of Corrections to those agencies allowed to hire physicians in an "exempt" service status.

SUMMARY OF INTENT: Include what the problem is, how this proposal solves it, and how many incidents have occurred which necessitate this change. (Attach sheet if necessary.) Only the Department of Health and Social Services is allowed to hire medical doctors in exempt positions. A forensic team of mental health professionals has been transferred from Social Services to Corrections through an agreement between the Departments, including two medical doctors (psychiatrists.) The Governor has authorized temporary exempt status for the medical doctors now employed by Corrections. The temporary authorization expires in June, 1992. The Department also plans to hire a medical doctor to oversee the Departments medical unit. Exempt status allows the Department more flexibility in salary levels which is necessary to attract qualified physicians. Contractual services would also allow for such flexibility but because the medical doctor will have full supervisory authority over line staff, this needs to be a Department employee.

ESTIMATED FISCAL IMPACT: none.

WHAT OTHER DEPARTMENTS WILL BE AFFECTED BY THIS PROPOSAL: Department of Administration, Division of Personnel.

WHO WILL SUPPORT THIS BILL: DOC

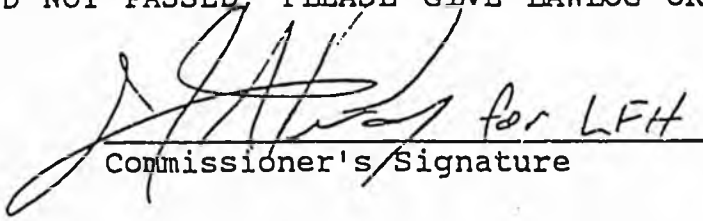
WHO WILL OPPOSE THIS BILL: Unknown.

BRIEFLY OUTLINE ANY PRECEDENTS FOR THIS PROPOSAL IN ALASKA OR OTHER STATES: (Attach sheet.) The Division of Mental Health and Developmental Disabilities in the Department of Health and Social Services is currently allowed to hire physicians in exempt status.

IT A SUBSTANTIALLY SIMILAR BILL HAS BEEN DRAFTED AND NOT INTRODUCED, OR INTRODUCED AND NOT PASSED, PLEASE GIVE LAWLOG OR BILL NUMBER:

DATE

9/20/91

 for LFH  
Commissioner's Signature

# STATE OF ALASKA

## DEPARTMENT OF CORRECTIONS

WALTER J. HICKEL, GOVERNOR

REPLY TO:

P.O. BOX T  
JUNEAU, ALASKA 99811-2000  
PHONE (907) 485-3376

March 18, 1992

The Honorable Georgianna Lincoln  
The Honorable Pat Carney  
Co-Chairs  
House Health, Education, and Social  
Services Committee  
P.O. Box V  
Juneau, Alaska 99811

Re: SB 348 (An Act expanding the exempt service to include Department of Corrections physicians; and providing for an effective date.)

Dear Representatives Lincoln and Carney,

I am writing to you on behalf of the Administration regarding SB 348. This bill, which expands the exempt service to include physicians in the Department of Corrections, has been passed by the Senate and referred to the House HESS Committee for a hearing. I respectfully request that the bill be scheduled for a hearing before your committee as soon as possible.

The bill would give the Department the flexibility necessary to recruit for and retain qualified doctors at competitive salary levels. The Department is responsible for the physical and mental health of over 2500 inmates.

Last year, the Forensic Consultation Team was transferred from the Department of Health and Social Services to DOC to oversee inmate mental health concerns. This transfer included two exempt psychiatrist positions (one vacant, one filled.) Because only the Department of Health and Social Services is authorized by statute to employ exempt physicians, this transfer required temporary authorization by the Governor under AS 39.25.110 (9). Under this same temporary authority, the Department employs a medical doctor to oversee inmate health care. Passage of this bill would allow the Department of Corrections the same authority allowed the Department of Health and Social Services to employ exempt physicians on a permanent, rather than temporary basis.

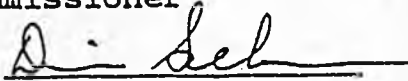
The Honorable Georgianna Lincoln  
The Honorable Pat Carney

March 18, 1992  
page 2

Thank you for your anticipated response to this request to schedule  
SB 348 for a hearing before your committee.

Sincerely,

Lloyd Hames  
Commissioner

BY:   
Diane Schenker  
Legislative Liaison

cc: Lori Nottingham  
Deputy Legislative Liaison  
Office of the Governor

SEP 04 1991

MEMORANDUM OF AGREEMENT

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

AND

DEPARTMENT OF CORRECTIONS

I. PURPOSE

The purpose of this Memorandum of Agreement ( MOA ) between the Department of Health and Social Services ( DHSS ) and the Department of Corrections ( DOC ) is to ensure that inpatient and outpatient mental health services and evaluations are available to inmates in the custody of DOC through the transfer of the six Forensic Consultation Team ( FCT ) positions from DHSS to DOC. The MOA sets forth the terms and conditions under which those services will be available and specifies the responsibilities and obligations of each Department.

II. STATEMENT OF NEED

In signing this MOA, both the DHSS and the DOC recognize that an obligation exists to provide inpatient mental health services to inmates who are in the legal custody of the State of Alaska. It is also recognized that it is necessary to provide training, education and supervision for DOC staff in the areas of identification, management and clinical treatment of mental illness and suicide prevention and for inmates who are a danger to themselves and to others. The FCT will be responsible for the psychiatric and psychological services for DOC. Towards that end, the DHSS and DOC agree to cooperate in the transfer of the FCT and the provision of those services with the intent to meet the standards set by the Alaska Statutes, Cleary Final Settlement Agreement and prevailing case law governing mental health services for inmates.

III. BENEFIT TO THE STATE

It is understood by both Departments that the successful implementation of the Memorandum of Agreement will result in substantial benefit to both agencies. These benefits include:

1. An improvement in the quantity, quality and availability of Mental Health treatment services for inmates;
2. An improvement in the level of functioning, quality of life and institutional adjustment of mentally ill inmates; and
3. A comprehensive mental health system within DOC that will meet the expanding needs of its mentally ill population.

*Memorandum of Agreement - DHSS and Corrections*

#### IV. FORENSIC CONSULTATION TEAM

The FCT will be comprised of six positions, a Chief of Forensic Services who is a Forensic Psychiatrist and reports to and is supervised by the Director of Statewide Programs for DOC, a second Psychiatrist position, a Clinical Psychologist who is experienced and qualified in Forensic Psychology, a Psychiatric Social Worker, a Psychiatric Nurse and clerical support. The Chief of Forensic Services shall be responsible for directing the activities of the FCT members including the recruitment, daily supervision, performance evaluations and other supervisory and administrative duties required by the staff of the FCT.

The FCT shall:

1. Have admitting privileges to API upon annual approval of the API Governing Board;
2. Have access to Forensic Evaluations, hospital records and reports and any pertinent information concerning the course of psychiatric and psychological treatment of inmates in the custody of DOC and pursuant to Alaska Statutes 47.30.845;
3. Continue to maintain medical records and management information systems for DOC and the Alaska Court System referrals. These records and data may continue to be shared with API and DHSS for statistical tracking of acute and chronically mentally ill clients;
4. Abide by all DOC institutional Policies and Procedures governing services and activities within the Correctional Centers in the DOC system and DHSS Policies and Procedures when applicable;
5. Continue to perform all court ordered evaluations on adult inmates confined in DOC facilities; and
6. If a court finds that a conflict exists regarding a specific court ordered evaluation such that it would be improper for the FCT to conduct the evaluation, transfer all relevant documentation regarding the inmate to another public or private qualified Mental Health Professional appointed by the court to conduct the evaluation pursuant to Alaska statutes 12.47.070 and 12.47.100.

#### V. DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DHSS shall:

1. Transfer the six FCT Position Control Numbers ( PCN ), 062223 Staff Psychiatrist, 065344 Staff Psychiatrist, 065313 Mental Health Clinician III, 062208 MHC III, 065346 MHC III and 065343 Clerk Typist III and the supporting funds ( \$574,330

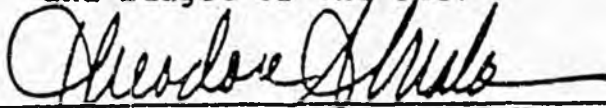
Personnel, \$ 3691 other ) to DOC for the upcoming fiscal year ( FY 92 );

2. Provide DOC with copies of admission/discharge summaries, psychological testing results and other pertinent information concerning the course of inpatient hospital treatment for all inmates previously hospitalized at API pursuant to Alaska Statutes 47.30.845;
3. Provide the FCT 's present office space on the grounds of API until the renovation of API precludes their remaining there or until DOC secures another office space; and
4. Continue to provide, through API, word processing services for all court appointed examinations performed by the FCT.

#### VI. DEPARTMENT OF CORRECTIONS

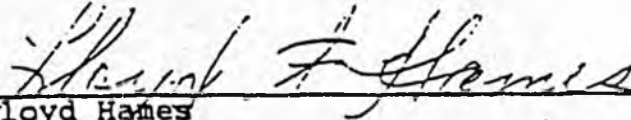
DOC shall be responsible for the following:

1. Supervision and responsibility for activities, administration and budget of the FCT.



Theodore A. Mala M.D., M.P.H  
Commissioner  
Department of Health and Social Services

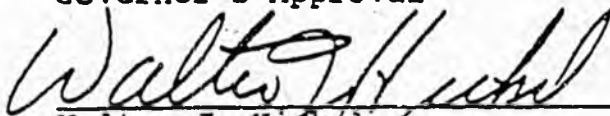
5 June 1991  
Date



Eloyd Hames  
Commissioner  
Department of Corrections

5 June 1991  
Date

Governor's Approval



Walter J. Hickel  
Governor  
State of Alaska

6-17-91  
Date



FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Bill Version: SB 348

(S) Public Date: 1/13/92

Revision Date: \_\_\_\_\_ Department Affected: Department of Corrections

Title: "An Act expanding the exempt BRU: \_\_\_\_\_

service to include Dept. of Corr. physician' Component: \_\_\_\_\_

Sponsor: \_\_\_\_\_

Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

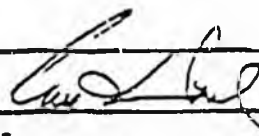
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Carl Nickel, Director  Phone: 465-3376  
 Division: Administrative Services Date: 11-1-91

Approved by Commissioner: Lloyd F. Hames, Commissioner  
 Agency: Department of Corrections Date: 11-1-91

**FISCAL NOTE**

**STATE OF ALASKA**  
**1992 LEGISLATIVE SESSION**

**BILL NO. SB 348**

Revision Date: \_\_\_\_\_  
 Title: Expand exempt service to include Department of  
Corrections physician  
 Sponsor: Rules/Governor  
 Requestor: House HES

Department Affected: Administration  
 BRU: Personnel  
 Component: Personnel

COMPONENT SERIAL NO.			5	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \$0

ANALYSIS: (Attach a separate page if necessary.)

This bill will have no fiscal impact on the Department of Administration.

Prepared by: R. H. Kino  
 Division: Personnel

Phone: 465-4430  
 Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usura *NBCU*  
 Agency: Administration

Date: 4/22/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

*CA1 - A Admin*

S B

3 9 4

SB 394 "An Act creating the Alaska School counseling program grant fund."

Fiscal Note - DOE (676.8) (pink - you can't miss this one)

DOE Position Paper (Easter egg lavender)

Sponsor Statement - Senator Collins (Baby Chick soft yellow)

1. Alaska School Counselor Association Position paper
2. A Guideline for Program Development - K - 12th Grade



FISCAL NOTE

REQUEST:

Revision Date: 3/24/92 Affected Agency: Education  
 Title: Alaska school BRU: EdSupport  
counseling program grant fund  
 Sponsor: Sen. Collins Components: Basic Ed  
 Requestor: Senate Finance Instruct. Improve.  
 171

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
Personal Services	19.7	19.7	19.7	19.7	19.7	19.7
Travel	1.0	1.0	1.0	1.0	1.0	1.0
Contractual	5.6	5.6	5.6	5.6	5.6	5.6
Supplies	0.5	0.5	0.5	0.5	0.5	0.5
Equipment						
Land & Structures						
Grants, Claims	650.0	650.0	650.0	650.0	650.0	650.0
Miscellaneous						
TOTAL OPERATING	676.8	676.8	676.8	676.8	676.8	676.8

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE						
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	676.8	676.8	676.8	676.8	676.8	676.8
Federal Fund						
Other						
TOTAL	676.8	676.8	676.8	676.8	676.8	676.8

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	2	2	2	2	2	2
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

Prepared By: \_\_\_\_\_ Date: 3/24/92  
 Division: Sen. Jalmar Kerttula, Co-chairman Phone: 465-4985  
Senate Finance Committee  
 Approved By: [Signature] 3/24/92  
 Agency: \_\_\_\_\_ Date: \_\_\_\_\_

DISTRIBUTION (BY PREPARER)  
LEGISLATIVE FINANCE  
LEGISLATIVE SPONSOR

REQUESTOR  
OFFICE OF MANAGEMENT AND BUDGET  
AGENCY (IES)

Fiscal Note Analysis  
for  
SB 394

Act creating the Alaska school counseling program grant fund.

Personal Services:

.33 FTE Education Associate II, Range 15 \$16.9

.10 FTE Clerical Support, Range 8 2.8

Travel:

Lead training for Training Cadre 1.0

Contractual:

Phone, postage, photocopying and  
audioconferencing 5.6

Commodities:

General supplies .5

Grants \$650.0

POSITION PAPER: DEPARTMENT OF EDUCATION

Division Educational Program Support Bill Number SB 394

Bill Title Creating the School Counseling Program Grant Fund.

Sponsor Sen. Collins

Position Statement: Explain briefly what the bill does, its impacts and Department's position, i.e., a) support, b) do not support, c) neutral or d) oppose.

The Department is neutral on this bill, as long as no additional financial burden is placed on school districts and local decision making remains intact.

APPROVED.

Director Ed Westlund Division Educational Program Support

Signature  Date 3-3-92

Commissioner/Deputy Jerry Covev/Karen R. Crane

Signature  Date 3-3-92

# Alaska State Legislature

During Session  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-2828

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During Interim  
3111 C Street, Suite 540  
Anchorage, Alaska 99503  
(907) 561-2040

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## Senator Virginia Collins

SB 394

### Alaska School Counseling Program Grant Fund

SB 394 creates the Alaska School Counseling Program Grant Fund consisting of legislative appropriations and public and private donations.

SB 394 authorizes the Department of Education to make grants from the fund to school districts for a counseling program in grades K through 12. It places three limitations on the awarding of these grants: (1) not more than \$50,000 may be given to any district in one year; (2) a district may not receive a grant for more than three consecutive years; and, (3) a grant may not be for more than 80 percent of the prior year's grant.

SB 394 resurrects last year's SB 195 which was vetoed by the governor. The governor was concerned that the bill undermined local school boards' authority to prioritize education expenditures and that it placed on them additional financial burdens.

The Alaska School Counseling Program Grant Fund is intended to attract private monies for the resolution of social ills and to be consonant with the governor's desire to drum up more local participation in providing services communities want to have. It will neither burden nor interfere with local school boards. This has been more clearly communicated with the governor, and I hope it has allayed his concerns.

With the increase in teen pregnancy, drug and alcohol abuse, and suicide among Alaska youth, the Alaska School Counseling Program implements a model program that has received support and has claimed success in thirty other states.

SB 394 will help in extending this unbeatable program throughout Alaska.

# Alaska School Counseling Program Grant Fund SB 394

The Alaska School Counseling Program is a new approach to providing counseling services in Alaska's schools. It is a curriculum based student oriented program — an integral part of the total education program. The program is designed to reach all students and to provide them with the skills they need for success in school, work and society.

Twelve Alaskan school counselors and administrators, with the help of the Department of Education and a national leader in counseling, developed a model counseling program for Alaska in 1988. In 1989 the program was piloted, implementing and testing the model. In 1990, the second year of piloting, 34 sites located in 12 school districts participated.

The program has been expanded for the 1991-92 school year bringing four additional school districts aboard. At this time 16 of the 54 Alaska School Districts are participating, representing large, small, urban and rural districts in cities, boroughs, and REAAs. The model works!

The Department of Education has been able to use their Carl Perkins Vocational Education Grant funding to assist with this activity over the past three years. The approximately \$100,000 per year has been able to get the program designed and field tested but is not adequate to provide the start-up costs that are needed across the state. These federal funds are limited and directed primarily at secondary programs, leaving out a great portion of Alaskan students grades K-12 who would benefit from a comprehensive, high quality, student support service

SB 394 addresses a grant program to be set up in the Department of Education. Funds from this account would be used to assist interested districts in:

- 1) beginning a model counseling program,
- 2) restructuring an existing counseling program to the model, and/or
- 3) furthering the model program throughout their district.

Training of personnel is the major expense. It has taken three (3) years to reach all or part of 16 districts. SB 394 grants would assist districts, who voluntarily choose to participate, up to a three year period. The purpose is not to pay personnel for 3 years and then drop the district, but to help a district make the transition. Once schools have the curriculum-based counseling program in place it will be a basic component of the education program and supported as such.

The Alaska School Counseling Program grew out of a need identified by the Governor's Interim Commission on Children and Youth.

*Prepared on behalf of Alaska School Counselor Association  
By Wanda J. Cooksey  
586-9073*

THE COMPREHENSIVE COUNSELING PROGRAM  
FOR  
ALASKA PUBLIC SCHOOLS



*A GUIDE FOR  
PROGRAM DEVELOPMENT  
K-12TH GRADE*

ALASKA DEPARTMENT OF EDUCATION,  
OFFICE OF ADULT AND VOCATIONAL EDUCATION  
P.O. BOX F  
JUNEAU, ALASKA 99811

This guide was developed by a statewide task force of school counselors and administrators of education. Alaska State Board of Education endorsed this document as the State Guide for Alaska School Counseling Programs at their regular meeting, May 2, 1989.

This publication is not copyrighted; any or all sections may be duplicated. After an initial free distribution to authorized institutions, additional copies may be purchased for \$5.00 from the Alaska Department of Education, Office of Adult and Vocational Education, and Office of Basic Education. For additional information, please call the Counseling Coordinator at (907) 465-2841.

## ALASKA SCHOOL COUNSELING PROGRAM DEFINITION

School counseling is an integral part of the total educational program. It is developmental by design and includes sequential activities organized and implemented by certified school counselors with the support of teachers, administrators, students, and parents. A school counseling program shall deliver services in four areas:

1. Personal and Career Development Curriculum
2. Individual Student Planning
3. Responsive Services
4. System Support

The program addresses the needs of all students by helping them to:

- Acquire and apply knowledge of self and others.
- Develop competencies in career/life planning.
- Achieve educational success.

The philosophy statement from the *Alaska School Counseling Program Guide* best states the change in direction of the program.

*Counseling in the school setting has evolved through recognition that individuals living in a dynamic, complex society benefit most from the broad range of learning experiences. Such experiences prepare them to lead productive lives characterized by feelings of self worth. Individual acquisition of knowledge and skills has been and will continue to be a major goal of public education. In addition, parallel efforts to assist students to grow socially and emotionally as well as intellectually and physically are essential. Guidance processes are designed to assist individuals with total development on a K-12 basis. The school counseling program is preventive rather than remedial in nature. It complements the core instructional offerings and involves a cooperative effort among counselors, administrators and classroom teachers.*

## STRUCTURAL AND PROGRAM COMPONENTS

The state plan for school counseling programs has two major parts with ten components:

### Structural Components:

- Program Definition and Philosophy
- Advisory Council
- Budget
- Counseling Program Facilities
- Counseling Resources
- Staffing Patterns

### Program Components:

- Personal and Career Development Curriculum
- Individual Student Planning
- Responsive Services
- System Support

April 14, 1992

Alecia Lybrand, President  
Alaska School Counselor Association  
c/o Bering Strait School District  
P. O. Box 225  
Unalakleet, AK 99684

The Honorable Georgianna Lincoln  
House of Representatives  
Juneau, AK 99684

Dear Representative Lincoln

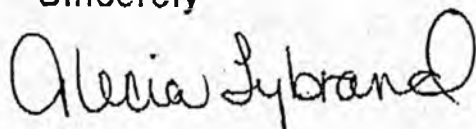
I am writing on behalf of the Alaska School Counseling Association to ask for your continued support for the Alaska School Counseling Grant Fund legislation Senate Bill #394.

As President of ASCA and a rural school itinerant counselor, I understand first-hand the need to expand counseling services to Rural Alaskan Communities. I believe by supporting SB #394 with the accompanying fiscal note we can hasten this process.

The Alaska School Counseling Program is currently being used in 16 school districts across the state. It was piloted for three years and it works! Passage of SB #394 will allow additional districts to implement this successful program.

You have supported us in this endeavor in the past and we appreciate that support and would like to ask for your help again with this bill.

Sincerely



Alecia Lybrand  
Counselor



## FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

P.O. Box 71250 Fairbanks, Alaska 99707-1250 (907) 452-2000

---

Hunter Elementary School  
1630 Gillam Way  
Fairbanks, Alaska 99701  
(907) 456-5775

April 14, 1992

Rep. Georgianna Lincoln  
State Capital  
Juneau, Alaska 99801

Dear Representative Lincoln,

I urge you to support Senate Bill 394, A School Counseling Incentive Grant Fund. This bill will help rural Alaska obtain developmental school counseling programs. These programs assess the needs of the individual community and work from the preventive approach to help young people make good choices and decisions. Senate Bill 394 establishes a grant fund to help these programs get started, especially where there is no school counseling program already in place.

To help all the youth of Alaska, please vote to support this bill. Thank you for your support.

Sincerely yours,

A handwritten signature in cursive script that reads "Robbi Nadeau".

Robbi Nadeau  
School Counselor

SENATE BILL NO. 394

AN ACT CREATING THE ALASKA SCHOOL COUNSELING PROGRAM GRANT FUND.

CO-CHAIRMAN POURCHOT DIRECTED THAT SB 394 BE BROUGHT ON FOR DISCUSSION.

SENATOR COLLINS, SPONSOR OF THE LEGISLATION, CAME BEFORE COMMITTEE. SHE EXPLAINED THAT SB 394 RESURRECTS SB 195 WHICH PASSED BOTH THE HOUSE AND SENATE WITH A DECISIVE MARGIN LAST SESSION BUT WAS SUBSEQUENTLY VETOED BY THE GOVERNOR. SB 394 WOULD AUTHORIZE THE DEPT. OF EDUCATION TO MAKE GRANTS TO SCHOOL DISTRICTS FOR A COUNSELING PROGRAM FOR GRADES K-12. LIMITATIONS APPLY TO GRANT AWARDS.

THE GRANT FUND IS INTENDED TO ATTRACT PRIVATE MONEY FOR RESOLUTION OF SOCIAL ILLS IN CONJUNCTION WITH THE GOVERNOR'S DESIRE TO GARNER MORE LOCAL PARTICIPATION IN PROVISION OF SERVICES. THE EFFORT WILL NEITHER BURDEN NOR INTERFERE WITH LOCAL SCHOOL BOARDS. THAT FACT HAS BEEN CLEARLY COMMUNICATED TO THE GOVERNOR IN AN EFFORT TO ALLAY PAST CONCERNS.

SB 394 WOULD ALLOW FOR EXPANSION OF A GOOD PROGRAM. THE STATE IS CURRENTLY UTILIZING CARL PERKINS FUNDS WHICH ALLOW LITTLE ATTENTION TO RURAL AREAS. THE PROPOSAL IS TO "DO A MIX OF PRIVATE/PUBLIC MONEY TO BE ABLE TO SUPPORT THE COUNSELING PROGRAM."

SENATOR COLLINS TOOK ISSUE WITH THE \$176.8 FISCAL NOTE FROM THE DEPT. OF EDUCATION, ADVISING THAT SHE DID NOT UNDERSTAND NEED TO HIRE ADDITIONAL STAFF FOR AN ONGOING PROGRAM.

CO-CHAIRMAN POURCHOT VOICED NEED TO HEAR FROM THE DEPARTMENT CONCERNING THE ADMINISTRATION'S POSITION ON THE BILL. HE COMMENTED THAT THE FISCAL NOTE REPRESENTS THE LARGEST NOTE CONSIDERED BY COMMITTEE. HE ACKNOWLEDGED NEED TO MAKE GRANTS MEANINGFUL AND SUGGESTED THAT THE \$50.0 LEVEL IS REALISTIC. SINCE MORE THAN ONE GRANT IS ANTICIPATED, IT APPEARS THAT BASE-LEVEL GRANT FUNDING OF \$150.0 IS NEEDED. SENATOR COLLINS REITERATED THAT THE BILL ALSO SETS UP A MECHANISM FOR SCHOOL DISTRICTS TO ATTRACT PRIVATE MONEY AND ENHANCE ABILITY TO USE FEDERAL DOLLARS.

CO-CHAIRMAN POURCHOT CALLED FOR TESTIMONY FROM A REPRESENTATIVE OF THE DEPT. OF EDUCATION OR THE ADMINISTRATION. NO ONE CAME FORWARD. THE CO-CHAIRMAN THEN ASKED THAT COMMITTEE STAFF CALL THE DEPARTMENT AND REQUEST AN APPEARANCE.

DREW ALEXANDER, ALASKA SCHOOL COUNSELORS' ASSOCIATION, AND ASSISTANT PRINCIPAL AT JUNEAU-DOUGLAS HIGH SCHOOL, NEXT CAME BEFORE COMMITTEE, VOICING SUPPORT FOR THE BILL. HE EXPLAINED THAT HE WAS A HIGH SCHOOL COUNSELOR AT BARROW AND JUNEAU PRIOR TO BECOMING AN ADMINISTRATOR.

*Senate Finance*  
*3-24-92*

AS BACKGROUND INFORMATION, MR. ALEXANDER TOLD MEMBERS THAT LESS THAN TWO YEARS AGO THE RESULTS OF AN ADOLESCENT HEALTH SURVEY IN ALASKA WERE RELEASED TO THE PUBLIC. THE DOCUMENT DETAILED RESPONSES FROM 5,000 STUDENTS ENROLLED IN PUBLIC SCHOOLS. ALTHOUGH THE RESULTS WERE STARTLING TO MOST, COUNSELORS INTERACTING DAILY WITH STUDENTS WERE NOT

SURPRISED BY THE FOLLOWING FACTS:

ONE IN SIX YOUTHS REPORTED THAT THEY HAD ATTEMPTED SUICIDE.

TWENTY-FIVE PERCENT OF ALL FEMALE RESPONDENTS AND EIGHT PERCENT OF ALL MALE RESPONDENTS REPORTED SEXUAL ABUSE.

THIRTY-FIVE PERCENT OF THE FEMALES AND SIXTY-SEVEN PERCENT OF THE MALES REPORTED BEING SEXUALLY ACTIVE BY THEIR SENIOR YEAR.

OVER TWENTY PERCENT OF THE STATE'S TEENAGE GIRLS HAVE BEEN PREGNANT, AND MORE THAN ONE IN FOUR HAVE BEEN PREGNANT MULTIPLE TIMES.

NEARLY HALF OF ALL HIGH SCHOOL AGE MALES AND A THIRD OF HIGH SCHOOL AGE FEMALES REPORTED DRINKING AND DRIVING.

ONE IN TEN SENIORS REPORT DAILY OR WEEKLY USE OF MARIJUANA.

NEARLY FORTY PERCENT OF ALL YOUTHS HAVE BEEN INVOLVED IN VIOLENT BEHAVIORS.

FIFTEEN TO TWENTY-FIVE PERCENT OF ALASKAN YOUTHS HAVE PARTICIPATED IN ILLEGAL ACTIVITIES SUCH AS VANDALISM, SHOPLIFTING, AND STEALING FROM HOME.

BECAUSE OF CHANGES IN SOCIETY, ALASKAN YOUTHS ARE FACED WITH CHOICES AND PROBLEMS NO EARLIER GROUP HAS HAD TO CONFRONT.

IN RESPONSE TO THE FOREGOING, THE GOVERNOR'S INTERIM COMMISSION ON CHILDREN AND YOUTH RECOMMENDED EXPANSION AND EXTENSION OF K-12 COUNSELING PROGRAMS. THAT WAS THE CATALYST FOR THE ALASKA SCHOOL COUNSELING PROGRAM THAT HAS BEEN SUCCESSFULLY IMPLEMENTED IN ALL OR PART OF 16 DISTRICTS. UNFORTUNATELY, MOST DISTRICTS HAVE NOT RECEIVED THE MESSAGE. MANY HAVE NO COUNSELORS, OTHERS HAVE ONE ITINERANT COUNSELOR FOR A NUMBER OF SCHOOLS, AND WITH THE EXCEPTION OF THE JUNEAU SCHOOL DISTRICT WHICH EMPLOYS A COUNSELOR FOR EACH OF ITS FIVE ELEMENTARY SCHOOLS, ELEMENTARY COUNSELORS ARE A "RARE BREED."

IT IS TIME ALL DISTRICTS UNDERSTAND THAT TROUBLED STUDENTS ARE NOT GOING TO LEARN WHEN THEY CANNOT COPE WITH TODAY'S PROBLEMS. THE COUNSELING PROGRAM PROVIDES A PRO-ACTIVE, PREVENTIVE CURRICULUM THAT ADDRESSES THE MOST PRESSING CONCERNS. COUNSELORS ARE TRAINED TO WORK WITH THE MOST TROUBLED YOUTH, AND PROVIDE WORKABLE, REALISTIC SOLUTIONS TO OVERCOME TREMENDOUS HURDLES. THE STATE MUST GET TRAINED COUNSELORS OUT INTO ALL DISTRICTS.

CO-CHAIRMAN KERTTULA COMMENTED ON PROBLEMS INHERENT IN

INCREASING TEACHER-STUDENT RATIOS AND THE LACK OF FUNDS FOR THE K-12 FOUNDATION PROGRAM.

DOUG WESSEN, ELEMENTARY COUNSELOR, GLACIER VALLEY ELEMENTARY SCHOOL, JUNEAU, NEXT CAME BEFORE COMMITTEE. HE EXPLAINED THAT THE SCHOOL HAS APPROXIMATELY 600 STUDENTS IN GRADES K-5. HE NOTED NEED FOR ELEMENTARY COUNSELORS AND ADVISED THAT THE COUNSELOR PROGRAM PROVIDES A CLEARLY DEFINED ROLE, FRAMEWORK FOR ANALYSIS, ACCOUNTABILITY, EVALUATION, AND JOB DESCRIPTION.

ELEMENTARY COUNSELORS SHOULD PROVIDE SUPPORT SERVICES AND ASSIST THE SCHOOL IN ACHIEVING EDUCATIONAL GOALS THROUGH PREVENTION AND EARLY INTERVENTION. MR. WESSEN NOTED NEED FOR CHILDREN TO DO WELL ACADEMICALLY AND ACQUIRE SOCIAL SKILLS. INDUSTRY RESEARCH INDICATES PROBLEMS WITH CHILDREN COMING OUT OF SCHOOL TODAY IN TERMS OF ABILITY TO WORK AND GET ALONG WITH OTHERS AND COMMUNICATE EFFECTIVELY BOTH ORALLY AND IN WRITING. COUNSELORS CAN HELP STUDENTS DEVELOP LISTENING, COMMUNICATION, AND ASSERTIVENESS SKILLS.

IN THE JUNEAU AREA, COUNSELORS WORK CLOSELY WITH THE AWARE SHELTER AND IN PROGRAMS RELATING TO PREVENTION OF PHYSICAL AND SEXUAL ABUSE OF CHILDREN. DECISION-MAKING AND REFUSAL SKILLS ARE ALSO TAUGHT.

MR. WESSEN EXPLAINED THAT 80% OF A CHILD'S INTELLIGENCE IS DUE TO EXPERIENCES THAT OCCUR BEFORE EIGHT YEARS OF AGE. THE GREATEST TIME OF INFLUENCE ON A CHILD IS BETWEEN THE AGES OF 7 AND 11 YEARS. THAT IS WHEN THEY ACQUIRE THE COPING SKILLS THEY WILL USE THROUGH ADOLESCENCE INTO ADULTHOOD.

SOME CLASSES CONTAIN MORE CHILDREN FROM DIVORCED PARENTS THAN FROM MARRIAGES. THE PERCENTAGE IS SOMETIMES AS HIGH AS 60%. SOME CHILDREN LIVE IN BLENDED FAMILIES WHILE OTHERS RESIDE WITH A SINGLE PARENT OR COME FROM DUAL INCOME FAMILIES WHERE BOTH PARENTS ARE WORKING AND THE CHILD NEEDS ADDITIONAL SUPPORT. COUNSELORS PROVIDE GROUP COUNSELING FOR CHILDREN OF DIVORCE AND CHILDREN FROM HOMES WITH SUBSTANCE ABUSE. THEY ALSO DEAL WITH CHILDREN WITH ATTENTION DEFICIT DISORDER (HYPERACTIVITY), TEACHING COPING SKILLS SO THE CHILDREN CAN FUNCTION IN A REGULAR CLASSROOM.

MR. WESSEN ADVISED OF DEALING WITH CRISES SUCH AS THE DEATH OF A PARENT IN AN ACCIDENT AND A SHOOTING IN THE HOME. CLASSROOM TEACHERS DO NOT HAVE THE TIME TO TALK WITH STUDENTS IN AN ACADEMIC SETTING. COUNSELORS THUS PROVIDE ONE-ON-ONE SUPPORT. THEY ALSO CONSULT WITH TEACHERS AND PARENTS ON DISCIPLINE, LEARNING STYLES, APPROPRIATE DEVELOPMENT, AND CASE MANAGEMENT REFERRAL OF PEOPLE TO MENTAL HEALTH AGENCIES. ONE OF THE BIGGEST PROBLEMS FOR SMALL RURAL COMMUNITIES IS THE LACK OF MENTAL HEALTH RESOURCES. COUNSELORS CAN PROVIDE SUPPORT FOR PARENTS AND

CHILDREN IN TIMES OF TROUBLE AND NEED. COUNSELORS ALSO SERVE AS HOME/SCHOOL LIAISONS WORKING WITH PARENTS WHO WERE NOT SUCCESSFUL IN SCHOOL, SERVING AS AN ADVOCATE FOR BOTH CHILDREN AND PARENTS.

BRIEF DISCUSSION FOLLOWED BETWEEN CO-CHAIRMAN KERTTULA AND MR. WESSEN REGARDING QUALIFICATION REQUIREMENTS FOR COUNSELORS. MR. WESSEN STRESSED THAT PROPOSED GRANTS WOULD PROVIDE FOR TRAINING FOR COUNSELORS. HE ACKNOWLEDGED NEED FOR COUNSELORS TO LEARN TO DEAL WITH UNIQUE SITUATIONS IN RURAL AREAS. THE CO-CHAIRMAN COMMENTED ON PROBABLE NEED FOR A COUNSELOR IN EVERY VILLAGE. MR. WESSEN FURTHER TESTIFIED TO HIS ACTIVITIES AS AN ITINERANT COUNSELOR IN RURAL SOUTHEAST ALASKA.

SENATOR SHULTZ ADVISED THAT IN 1973 HE WAS PART OF A TASK FORCE THAT HELPED DEVELOP GUIDELINES FOR COUNSELING STANDARDS IN ALASKA.

FORMER REPRESENTATIVE JUDY SALO CAME BEFORE COMMITTEE ON BEHALF OF NEA-ALASKA. SHE VOICED SUPPORT FOR THE BILL AND NOTED GREAT NEED FOR ADDITIONAL COUNSELING SERVICES. IT HAS BEEN 15 YEARS SINCE THE KENAI SCHOOL DISTRICT HAD A PROGRAM FOR ELEMENTARY SCHOOLS. MS. SALO SAID SHE TEACHES IN AN ELEMENTARY SCHOOL WITH 550 STUDENTS. THE PRINCIPAL HAS NO ADMINISTRATIVE HELP AND IS OVERWHELMED BY THE WORKLOAD. HE HAS SAID, HOWEVER, THAT IF GIVEN THE CHOICE BETWEEN AN ASSISTANT PRINCIPAL AND A COUNSELOR, HE WOULD CHOSE THE COUNSELOR. NEED TO INTERVENE ON BEHALF OF CHILDREN IN CRISIS CONSUMES A GREAT AMOUNT OF ADMINISTRATIVE TIME AND CREATES FURTHER DEMANDS ON THE PRINCIPAL'S SCHEDULE.

MS. SALO CONCURRED THAT CLASS SIZE IS AN IMPORTANT ELEMENT OF EFFECTIVE INSTRUCTION, BUT SHE AGAIN STRESSED NEED FOR ELEMENTARY COUNSELING SERVICES.

MIKE TRAVIS, ACTING ADMINISTRATOR, OFFICE OF BASIC EDUCATION, DEPT. OF EDUCATION, CAME BEFORE COMMITTEE. HE SAID THAT THE DEPARTMENT HAS TAKEN A NEUTRAL POSITION ON THE BILL "AS LONG AS NO ADDITIONAL FINANCIAL BURDEN IS PLACED ON SCHOOL DISTRICTS, AND LOCAL DECISION MAKING REMAINS IN TACT." MR. TRAVIS VOICED HIS UNDERSTANDING THAT UNDER SB 394, PRESENT DEPARTMENT POSITIONS WOULD BE RETAINED TO PROVIDE ASSISTANCE TO SCHOOL DISTRICTS.

AS BACKGROUND INFORMATION, MR. TRAVIS EXPLAINED THAT THE DEPARTMENT IS CURRENTLY PILOTING A PROGRAM FOR SCHOOL COUNSELORS. THE ALASKA SCHOOL COUNSELING PROGRAM WAS INITIALLY FUNDED WITH CARL PERKINS' MONEY. THE INTENTION AND HOPE IS TO EXPAND THE PROGRAM TO OTHER SCHOOL DISTRICTS IN ALASKA.

CO-CHAIRMAN FOURCHOT INQUIRED CONCERNING THE DEPARTMENT RECOMMENDATION TO THE GOVERNOR SHOULD THE BILL PASS. MR. TRAVIS VOICED HIS HOPE THAT THE GOVERNOR "WOULD BE ABLE TO

SIGN IT," AND THAT HE WOULD INCLUDE THE GRANTS WITH THE APPROPRIATION. HE ADDED THAT IN ORDER TO ASSIST SCHOOL DISTRICTS IN DEVELOPMENT AND IMPLEMENTATION OF THE COMPREHENSIVE PROGRAM, TRAINING OF COUNSELORS IS ESSENTIAL. AT THIS POINT THE PROGRAM IS ACTUALLY TRAINING A CADRE OF PEOPLE TO GO OUT AND TRAIN OTHERS. DISTRICTS WILL NEED THE CAPABILITY TO PROVIDE THAT TRAINING.

CO-CHAIRMAN POURCHOT ASKED IF THE DEPARTMENT MADE A RECOMMENDATION TO THE GOVERNOR RELATIVE TO SIGNING THE BILL LAST YEAR. MR. TRAVIS ANSWERED, "I'M NOT AWARE OF THAT." WAS THE DECISION TO VETO MADE BY THE GOVERNOR'S OFFICE OR BASED ON INPUT FROM THE DEPARTMENT? MR. TRAVIS ADVISED THAT HE HAD NOT BEEN TOLD. THE CO-CHAIRMAN THEN ASKED IF THE ADMINISTRATION'S POSITION AT THIS TIME WAS DIFFERENT FROM LAST YEAR, AND MR. TRAVIS ADVISED THAT HE COULD NOT ANSWER THE QUESTION.

CO-CHAIRMAN FOURCHOT ASKED IF THE PROGRAM WHICH PROPOSES TO ISSUE ONLY THREE GRANTS TOTALLING \$150.0 REALLY NEEDS THE ADDITIONAL ADMINISTRATIVE SUPPORT SET FORTH IN THE FISCAL NOTE. MR. TRAVIS VOICED NEED FOR ADEQUATE SUPPORT TO EFFECTIVELY CARRY OUT THE PROGRAM.

CO-CHAIRMAN KERTTULA NOTED THAT FEDERAL CONTRIBUTIONS TO STATE EDUCATION HAVE DECREASED BY 17% OVER THE LAST THREE YEARS. HE EXPRESSED DOUBT THAT THE STATE COULD ACCESS FEDERAL PROGRAMS FOR FURTHER ASSISTANCE. HE THEN ASKED HOW MANY DOLLARS WERE IN THE CARL PERKINS' FUND TO INITIATE THE PROGRAM. MR. TRAVIS ADVISED THAT HE DID NOT HAVE THAT INFORMATION. THE CO-CHAIRMAN OBSERVED THAT THE FEDERAL GOVERNMENT OFTEN MAKES FUNDING AVAILABLE TO INITIATE PROGRAMS AND THEREAFTER REDUCES PARTICIPATION EXPECTING STATES TO CONTINUE THE EFFORT AT THEIR OWN EXPENSE.

CO-CHAIRMAN KERTTULA VOICED HIS UNDERSTANDING THAT THE STATE HAS COUNSELORS IN URBAN AREAS ALTHOUGH THERE ARE FEW FOR ELEMENTARY SCHOOLS. HE THEN ASKED WHERE ADDITIONAL COUNSELORS WOULD BE PLACED, NOTING OVERWHELMING NEED IN RURAL AREAS. SENATOR COLLINS RESPONDED THAT NEED IN RURAL AREAS WAS ONE OF THE REASONS FOR INTRODUCTION OF THE BILL. LIMITATIONS PLACED ON CARL PERKINS' MONEY HAVE RESULTED IN MUCH OF IT FLOWING TO URBAN SCHOOLS. THE INTENT IN IMPLEMENTING THE BILL IS TO INCLUDE RURAL AREAS

SPEAKING TO WHETHER OR NOT FEDERAL FUNDS ARE LIKELY TO CONTINUE, SENATOR COLLINS ADVISED THAT 30 STATES HAVE ADOPTED THE MODEL PROGRAM. THERE THUS APPEARS TO BE INTEREST IN CONTINUED FEDERAL FUNDING. SHE STRESSED THAT FROM A PUBLIC POLICY POINT OF VIEW, IMPACTING CHILDREN IN THEIR ELEMENTARY YEARS SHOULD BE A HIGH PRIORITY.

CO-CHAIRMAN KERTTULA NOTED PAST REVIEW OF NEEDS IN RURAL AREAS CONDUCTED BY THE FORMER PRESIDENT OF THE STATE BOARD

OF EDUCATION. HE COMMENTED THAT THE RECOGNIZED NEED IS HUGE, QUESTIONED WHETHER THE PROPOSAL BEFORE COMMITTEE WOULD BEGIN TO MEET THAT NEED, AND SUGGESTED THAT IT REQUIRES MORE SUBSTANCE OR SHOULD BE HELD IN ABEYANCE UNTIL PRIORITIZED WITH OTHER GOVERNMENTAL PROGRAMS. CO-CHAIRMAN POURCHOT CONCURRED, BUT ADVISED OF HIS UNDERSTANDING THAT THE HOPE IS TO ACHIEVE "SMALL SUCCESSES BASED ON A SMALL PROGRAM" THAT CAN BE USED AS A BASIS FOR FUTURE EXPANSION.

SENATOR COLLINS REITERATED THAT THE BILL PROVIDES AN OPPORTUNITY TO ATTRACT PRIVATE FUNDS. SHE SAID SHE WAS COMMITTED TO THE PROGRAM AND WOULD ACTIVELY WORK TO ATTRACT PRIVATE DOLLARS. CO-CHAIRMAN FOURCHOT POINTED TO LANGUAGE AT PAGE 2 OF THE LEGISLATION, ALLOWING THE PROGRAM TO UTILIZE DONATIONS.

END, SFC-92, #26, SIDE 1  
BEGIN, SFC-92, #26, SIDE 2

MR. TRAVIS REITERATED THAT WHILE A LIMITED NUMBER OF PEOPLE CURRENTLY WORK UNDER THE PROGRAM, IT IS INTENDED TO TRAIN A CADRE OF PEOPLE WHO, IN TURN, WOULD TRAIN TRAINERS. A LIMITED AMOUNT OF STATE FUNDING IS THUS ABLE TO DEVELOP A RIPPLE EFFECT TO TRAIN COUNSELORS WITHIN INDIVIDUAL DISTRICTS.

IN RESPONSE TO A QUESTION FROM CO-CHAIRMAN KERTTULA, MR. TRAVIS ADVISED THAT THE GRANT PROGRAM WOULD BE MADE AVAILABLE TO ANY DISTRICT THAT APPLIES. HE CONCURRED THAT RESTRICTIONS ON CARL PERKINS' MONEY TARGET IT TO URBAN DISTRICTS. THE DEPARTMENT WOULD THEREFORE WANT TO PROVIDE AS MUCH FUNDING AS POSSIBLE TO RURAL AREAS. CO-CHAIRMAN KERTTULA ASKED IF, IN THE INTEREST OF FAIRNESS, THE DEPARTMENT WOULD ENSURE THAT THE \$150.0 IN GRANT FUNDING WOULD "GO RURAL." MR. TRAVIS ADVISED THAT THE DEPARTMENT MUST ENSURE THAT ALL DISTRICTS HAVE EQUAL ACCESS TO THE MONEY. THE CO-CHAIRMAN REITERATED NEED FOR THE PROGRAM IN RURAL ALASKA, SUGGESTING THAT ADDITIONAL TRAINED PEOPLE AND INCREASED FUNDING SHOULD BE PROVIDED.

CO-CHAIRMAN POURCHOT CALLED FOR ADDITIONAL TESTIMONY ON THE BILL. NONE WAS FORTHCOMING.

SENATOR ADAMS MOVED THAT SB 394 PASS FROM COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS AND THE ACCOMPANYING FISCAL NOTE. CO-CHAIRMAN KERTTULA OBJECTED FOR PURPOSES OF ADVISING THAT THE FISCAL NOTE IS "WAY TOO SMALL." HE VOICED NEED FOR 10 COUNSELORS WITH "A RURAL DIRECTION" AND REQUESTED DISCUSSION OF THE FISCAL NOTE, SAYING THAT IT DID NOT CONTAIN SUFFICIENT FUNDING TO INITIATE THE EFFORT--"IT WILL TAKE TOO MANY YEARS." CO-CHAIRMAN KERTTULA THEN MOVED AND ASKED UNANIMOUS CONSENT TO ADD \$500.0 TO THE GRANTS LINE. CO-CHAIRMAN POURCHOT CALLED FOR DISCUSSION ON THE MOTION. NONE WAS FORTHCOMING. NO OBJECTION HAVING BEEN RAISED, THE

MOTION CARRIED, AND \$500.0 WAS ADDED TO THE GRANTS LINE. CO-CHAIRMAN POURCHOT CALLED FOR OBJECTIONS TO PASSAGE OF THE BILL WITH THE NEW FISCAL NOTE. NO OBJECTIONS HAVING BEEN RAISED, SB 394 WAS REPORTED OUT OF COMMITTEE WITH A \$676.8 SENATE FINANCE FISCAL NOTE FOR THE DEPT. OF EDUCATION. CO-CHAIRMAN POURCHOT AND SENATORS ADAMS AND SHULTZ SIGNED THE COMMITTEE REPORT WITH A "DO PASS" RECOMMENDATION. SENATOR UEHLING SIGNED, "NO REC," AND CO-CHAIRMAN KERTTULA SIGNED "DO PASS WITH FINANCE FISCAL NOTE."